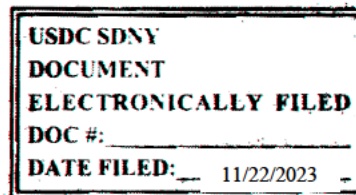


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



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**VICTOR M. GUZMAN,**

**Plaintiff,**

**22-CV-10270 (ER)(SN)**

**-against-**

**ORDER**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

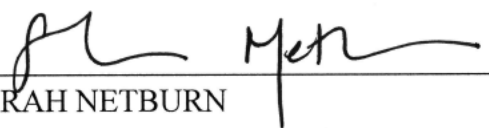
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**SARAH NETBURN, United States Magistrate Judge.**

On December 5, 2022, the plaintiff filed this action pursuant to 42 U.S.C. § 405(g), seeking review of a denial of social security benefits. On August 22, 2023, the Court approved a stipulation and agreement by the parties remanding the matter for further review by the Commissioner of Social Security. ECF No. 17. On November 20, 2023, the plaintiff filed a motion for an award of attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. ECF No.19.

Because of the Commissioner's unique role and expertise in this area, the Court orders the Commissioner to respond to the plaintiff's motion by December 8, 2023. In particular, the Court directs the Commissioner to address the question of whether the fees amount to an impermissible windfall. See Diberardino v. Commissioner of Social Security, No. 17-cv-02868 (PKC), 2020 WL 6746828 (E.D.N.Y. Nov. 17, 2020).

**SO ORDERED.**

  
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SARAH NETBURN  
United States Magistrate Judge

DATED: New York, New York  
November 22, 2023